

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

1. **BETTY WOOD,**)
))
 Plaintiff,))
) Case No. CIV-16-785-D
v.)
)
1. **MIDWEST PERFORMANCE,**)
 PACK, INC., f/k/a MATADOR)
 PROCESSORS, INC.,)
)
)
 Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, defendant, Midwest Performance Pack, Inc., f/k/a Matador Processors, Inc. ("MPP"), hereby removes the state action described herein from the District Court of McClain County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. Removal is proper for the following reasons:

MPP is the defendant in a civil action brought against it in the District Court of McClain County, Oklahoma entitled, *Betty Wood v. Midwest Performance Pack, f/k/a Matador Processors, Inc.*, Case No. CJ-2016-112 (the "State Court Case").

Upon information and belief, at the time of filing of this action, and at the present time, plaintiff was and is a resident and citizen of the State of Oklahoma. (*See Exhibit 1, Petition, at ¶ 1.*)

At the time of filing of this action, and at the present time, MPP was and is a Nebraska corporation doing business within the State of Oklahoma. MPP's principal place of business is located in Omaha, Nebraska.

In the plaintiff's Petition, she has asserted claims for age discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964. (*See* Ex. 1, Count I, ¶ 16) and unlawful interference with ERISA (*see* Ex. 1, Count II, ¶ 22).

Because this civil action arises under the Constitution, laws or treaties of the United States, this court has original jurisdiction over Plaintiff's Title VII and ERISA claims and as such, is removable to the District Court of the United States without regard to the citizenship or residence of the parties pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441(a). This Court has jurisdiction over plaintiff's remaining state law claims for breach of expressed and implied contractual obligations and malicious and reckless disregard of Plaintiff's rights (*see*, Ex. 1, Count III, ¶¶ 24 and and infliction of emotional distress (*see*, Ex. 1, Count IV, ¶ 27) pursuant to 28 U.S.C. § 1441(c) and 28 U.S.C. § 1367, and, alternatively, pursuant to 28 U.S.C. § 1332.

The aforementioned action was commenced by service of summons and petition upon MPP on June 22, 2016. This Notice of Removal is, therefore, timely filed under the provisions of 28 U.S.C. § 1446.

A copy of all process, pleadings, and other documents filed in the State Court Case are attached hereto as Exhibit 2.

A copy of the docket sheet in the State Court Case is attached hereto as Exhibit 3.

Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to counsel for the plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of McClain County, State of Oklahoma.

Respectfully submitted,

s/Melissa R. McDuffey

Adam W. Childers, OBA #18673

Melissa R. McDuffey, OBA #32463

-Of the Firm-

CROWE & DUNLEVY
A Professional Corporation
Braniff Building
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102
(405) 235-7700
(405) 239-6651 (Facsimile)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2016, I electronically transmitted the foregoing document to the Court Clerk using the EFC System for filing. The Court Clerk will transmit a Notice of Electronic Filing to the following EFC registrants:

E. Ed Bonzie
8201 S. Walker
Oklahoma City, OK 73139
ebonzie@sbcglobal.net

ATTORNEY FOR PLAINTIFF

s/Melissa R. McDuffey
Melissa R. McDuffey